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EXAMINER

JAKETIC, BRYAN J

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/780,987

Applicant(s)

LIEU ET AL.

Examiner

Bryan Jaketic

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

The cross references to related applications on pages 1, 21, and 22 should be updated to include the application numbers and, if applicable, the U.S. Patent number;

On p. 12, line 22, "them" should be --then--;

On p. 20, line 10, "a of Brand X skimmed milk" should be --a bottle of Brand X skimmed milk.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 9-13, 21-24, 29, 30, 38--42, 47-50, and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz et al. Treyz et al teach a computer-implemented method of purchasing items comprising the steps of: storing mapping information for a first plurality of items (for a directory - see Figures 82 and 83), wherein

Art Unit: 3627

the mapping information identifies a first plurality of purchasable units (see Fig. 87); receiving a purchase request comprising information related to a first recipe (see Figures 86-88 and col. 52, lines 16-54); determining a second plurality of items and a second plurality of purchasable units related to the project, and communicating related information (see Fig. 87). The purchase requests can be made by accessing a web page display (see col. 10, lines 56-67). Treyz et al further teach the steps of receiving a purchase request relating to a second project and mapping a third plurality of items (see Figures 91 and 92).

Treyz et al do not expressly disclose the use of code modules to perform the method. However, it is inherent that code modules are employed to allow a computer to execute the method.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-16, 25-28, 31-33, 43-46, and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al. Treyz et al disclose the limitations as detailed in paragraph 3 of this Office Action. Treyz et al do not teach the step of determining a fourth plurality of items. However, it is common in the art to consolidate lists to eliminate redundancy. It would have been obvious to one of ordinary skill in the

Art Unit: 3627

art at the time the invention was made to employ the step of determining a fourth plurality of items by consolidating replicated items from the second and third plurality of items to eliminate redundancy.

6. Claims 5-8, 17-20, 34-37, and 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al as applied to claims 1-4, 9-13, 21-24, 29, 30, 38-42, 47-50, and 58 above, and further in view of Slotznick. Treyz et al teach the limitations of the claims as detailed in paragraph 3 of this Office Action. Treyz et al do not teach the steps of scaling the quantities of associated items, or of providing substitute items. Slotznick teaches the steps of scaling the quantities of items for a recipe, and substituting items based on user preference (see col. 20, line 47 through col. 21, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Slotznick with the invention of Treyz et al to meet consumer need.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Hagan et al, Burke, Scroggie et al, Camaisa et al, and Povilus disclose steps of displaying items for a recipe. Jacobi et al disclose a method of mapping items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bj  
July 10, 2003



Handwritten signature and date 7/10/03